

*Gorton J*

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## United States Court of Appeals For the First Circuit

No. 05-2285  
DC No. 04-cv-11869

ROBERT RODRIGUEZ,  
Petitioner - Appellant,

v.

UNITED STATES,  
Respondent - Appellee.

**ORDER OF COURT**  
**Entered: October 19, 2006**  
**Pursuant to 1<sup>st</sup> Cir. R. 27(d)**

This court has docketed petitioner-appellant's appeal from the denial of his motion to vacate sentence under 28 U.S.C. §225. The case cannot go forward unless a certificate of appealability issues. 28 U.S.C. §2253. In accordance with Local Rule 22.1(b), a request for a certificate of appealability must first be sought in the district court.

Appellant's request for a certificate of appealability has been filed in this court.

Accordingly, we transmit the Memorandum of Law and Fact in Support of an Application for Certificate of Appealability to the district court for a ruling forthwith. Copies of the district court's rulings shall be forwarded to this court.

We further order appellant to file a status report in this court by November 20, 2006, and *every thirty days thereafter*, advising us of the status of the application for a certificate of appealability. We further order appellant to inform us immediately once the district court reaches a decision on the application for a certificate.

By the Court:  
Richard Cushing Donovan, Clerk

By: MARGARET CARTER  
Chief Deputy Clerk

Certified Copies: Honorable Nathaniel M. Gorton, Sarah Thornton, Clerk, USDC and  
CERTIFIED COPY cc: Messrs. Rodriguez, Hennessy, Ms. Chaitowitz]

I HEREBY CERTIFY THIS DOCUMENT  
IS A TRUE AND CORRECT COPY OF  
THE ORIGINAL ON FILE IN MY OFFICE  
AND IN MY LEGAL CUSTODY.

FIRST CIRCUIT COURT OF APPEALS  
BOSTON, MA

By: J. Burchard Date: 10/19/06